

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:18-CR-708
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
KENNETH TYSON,)	<u>DEFENDANT’S MOTION TO</u>
)	<u>CONTINUE TRIAL DATES AND</u>
Defendant.)	<u>PRETRIAL DEADLINES</u>

Defendant Kenneth Tyson, through his undersigned counsel, respectfully moves this Court for a continuance of the trial dates and all pretrial deadlines, including all pretrial motions and trial document due dates, in this case (hereinafter, this “Motion”). For the reasons set forth in this Motion, Mr. Tyson respectfully requests that this Motion be granted, and the Court set a trial date for on or about February 18, 2020, with all pretrial deadlines to correspond consistent therewith.

I. BACKGROUND

On November 21, 2018, a federal grand jury indicted Mr. Tyson for various alleged acts that occurred beginning in 2013 and continuing through, according to the Indictment, November 2018. (Doc. 1). Per this Court’s initial Trial Order, the case was originally set for trial to begin on February 12, 2019. On January 7, 2019, Mr. Tyson filed an unopposed Motion to Continue, requesting a trial date in August 2019, at the earliest. (Doc. 12). The Court issued an order granting the motion on January 14, 2019. (Doc. 13). The trial was then set to begin on August 13, 2019. (Doc. 13).

On June 7, 2019, Mr. Tyson filed a Motion to Continue, requesting a trial date in November 2019, at the earliest. (Doc. 34). Prior to a ruling by the Court, the Government indicated that it did not oppose the continuance. The Court issued an order granting the motion on June 24, 2019. The

trial in this case is currently set for December 10, 2019. The final pretrial is set for December 3, 2019, and pretrial motions are due November 19, 2019, with responses in opposition due November 26, 2019. Based on an unanticipated delay created by the government, this Motion, therefore, follows.

II. DISCUSSION

As detailed in Mr. Tyson's previous Motions to Continue (Docs. 12 & 34), which were unopposed by the government, this case involves serious and complex allegations spanning multiple years and, the defense believes, at least one cooperator. At the time of Mr. Tyson's first request for a continuance, the government had not supplied the defense with the lion's share of the discovery. At the time of Mr. Tyson's second request for a continuance, the defense required time to review and analyze the then recently government-supplied tens of thousands of documents in order to prepare defense motions and prepare for possible trial.

Within days after the Court granted the second continuance, the government advised Lead Counsel ("Lead Counsel"), Chris Georgalis, that it perceived a conflict existed with Attorney Georgalis's representation of Mr. Tyson. This unforeseen issue was not present at the time of the second continuance request. The Court and the parties are familiar with the nature of the alleged conflict, as well as how the Court resolved this allegation, as set forth in a number of Court documents that were filed under seal, and in the government's case, filed *ex parte*.

As a result of the alleged conflict, Lead Counsel, Attorney Georgalis, in an abundance of caution, was forced to abruptly cease reviewing materials, crafting defense strategy, and substantively working on the defense. A decision by the Court dismissing the conflict allegations was issued on September 4, 2019, (Doc. 50), at which time Attorney Georgalis resumed his role as Lead Counsel.

The resolution of the conflict issue diverted Lead Counsel's role in the defense for approximately two months as Lead Counsel fought to resolve any concerns. Until the order was issued on September 4, 2019, Mr. Tyson's chosen counsel was barred from working on Defendant's case. Now, Mr. Tyson seeks to regain the time lost as a result of the absence of Lead Counsel throughout the duration of the Government-initiated conflict inquiry. Additional time is needed, accordingly, for Lead Counsel to prepare for trial. Mr. Tyson is aware of these issues and has consented to this request for a continuance in writing. (*See Defendant's Consent*, attached as Exhibit A).

The ends of justice served by granting the requested continuance outweigh the best interest of the public and Mr. Tyson in a speedy trial. This request is not made for the purpose of undue delay or harassment. Instead, this request is made in good faith and for good cause, will not unfairly prejudice any party, and is necessary to ensure that discovery may be thoroughly reviewed in this case, that critical pretrial issues may be resolved, and that Mr. Tyson may adequately prepare for his defense with counsel of his choice.

For good cause shown, Mr. Tyson respectfully requests that this Court grant this Motion and continue the trial date until on or about February 18, 2020, with all pretrial deadlines to correspond consistent therewith.

Respectfully submitted,

/s/ Chris N. Georgalis

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Chris N. Georgalis
Christos N. Georgalis

Attorney for Defendant Kenneth Tyson